

produce a marked improvement in their appetite and the general tone of their health. Feeble, Ailing Older Folks whose blood has thinned out and is flowing sluggishly thru their veins are invariably in need of some tonic and for them Hemo-Liver is an excellent restorative. Women Suffering from Irregularities or Painful Menstruation frequently get relief from their trouble by taking Hemo-Liver to promote a good normal quality and quantity of blood."

On October 8, 1934, and January 8, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24082. Misbranding of Dee-Em Capsules. U. S. v. 36 Packages of Dee-Em Capsules. Default decree of condemnation and destruction. (F. & D. no. 33427. Sample no. 208-B.)

This case involved a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling, because of failure to declare on the label the presence of acetphenetidin, a derivative of acetanilid, and because it was labeled as being safe and as deriving its active principle from ephedrine sulphate, analysis having shown that it contained ingredients which might be harmful, and that the physiological effects were not solely, nor even predominantly, those of ephedrine sulphate.

On September 14, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 packages of Dee-Em Capsules at Denver, Colo., consigned by the Dee-Em Laboratories, New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 23, 1934, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of acetphenetidin (a derivative of acetanilid, 1.1 grains), acetylsalicylic acid (1.8 grains), phenolphthalein (0.26 grain), and ephedrine sulphate (0.05 grain per capsule).

The article was alleged to be misbranded in that the statements on the bottle label, "safe treatment", and in the circular, "safe * * * preparation", were false and misleading since it contained ingredients which might be harmful. Misbranding was alleged for the further reason that the statement in the circular, "Ephedrine * * * In the form of a sulphate is the active principle of Dee-Em Cold Capsules", was false and misleading since the physiological effects of the article were not solely nor even predominantly those of ephedrine sulphate. Misbranding was alleged for the further reason that the label failed to bear a statement of the quantity or proportion of acetphenetidin, a derivative of acetanilid, contained in the article. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Label) "For Respiratory Affections * * * for the relief of * * * Influenza (Grippe), Bronchial Coughs, Asthma, Hay Fever and Nasal disorders. * * * For Ordinary Coughs"; (circular) "Clinically proven remedy for the treatment of Febrile Respiratory Affections * * * Indicated in * * * Influenza (Grippe)-Rhinitis-Asthma-Hay Fever—as well as certain types of * * * Nasal Disorders. * * * Give prompt relief in the treatment of * * * Influenza (Grippe) and the Bronchial Coughs * * * For ordinary coughs."

On November 9, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24083. Misbranding of Fumoil, Egg a Day, and Egg o Day. U. S. v. 5 Cans of Fumoil and 11 Packages of Egg a Day, et al. Default decrees of condemnation and destruction. (F. & D. nos. 33453, 33454. Sample nos. 41472-A, 41473-A.)

These cases involved drug preparations which were misbranded because of unwarranted curative and therapeutic claims appearing in the labeling.

On September 28, 1934, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 5 cans of Fumoil and 37 packages of Egg a Day and Egg o Day at Mitchell, S. Dak., alleging that the articles had been shipped in interstate commerce on or about February 10, 1934, by the Standard Chemical Manufacturing Co., from Omaha, Nebr., and charging misbranding in violation of the Food and Drugs Act as amended.